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PATENT

IBM/203
Confirmation No. 2792**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Curtis Shannon Eide et al.	Art Unit:	2114
Serial No.:	10/002,232	Examiner:	Bryce P. Bonzo
Filed:	November 2, 2001	Atty. Docket No.:	IBM/203
For:	SWITCHABLE RESOURCE MANAGEMENT IN CLUSTERED COMPUTER SYSTEM		

AMENDMENT AND RESPONSE

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated July 6, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

Page 1 of 13
Serial No. 10/002,232
Amendment and Response dated October 5, 2004
Reply to Office Action of July 6, 2004
IBM Docket ROC920010167US1
WH&E IBM/203
K:\ibm\203\Amendment and Response to 7-6-04 OA.wpd

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Att'y Docket No. IBM/203/124

Confirmation No. 2792

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (16 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Bryce P. Bonzo, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on October 5, 2004.

Judith L. Volk
Judith L. Volk

October 5, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Curtis Shannon Eide et al. Art Unit: 2114
Serial No.: 10/002,232 Examiner: Bryce P. Bonzo
Filed : November 2, 2001
For : SWITCHABLE RESOURCE MANAGEMENT IN CLUSTERED COMPUTER SYSTEM

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
☐ Enclosed is a verified statement to establish Small Entity status
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

CALCULATION OF FEES

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	28	minus	29	0	\$18	\$0.00
Independent Claims	8	minus	4	4	\$88	\$352.00
MULTIPLE DEPENDENT CLAIM FEE					\$300	\$0.00
TOTAL FEE FOR CLAIMS:						\$352.00

- ☐ No additional fee for claims is required.

Page 1 of 2
Serial No. 10/002,232
Transmittal for Amendment of October 5, 2004
IBM Docket: ROC920010167US1
WH&E IBM/203

4. ☐ Attached is a check in the sum of \$_____ for additional claims.
☒ Please charge my Deposit Account No. 23-3000 in the amount of \$352.00.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 430.00	\$ 215.00
<input type="checkbox"/>	three months	\$ 980.00	\$ 490.00
<input type="checkbox"/>	four months	\$1,530.00	\$ 765.00
<input type="checkbox"/>	five months	\$2,080.00	\$1,045.00

Extension fee due with this request:

\$ _____

Method of Payment:

Check enclosed in the amount of \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

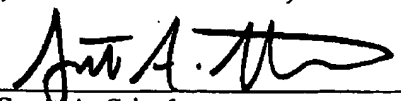
- ☐ An extension for _____ months has already been secured and the fee paid thereof of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.
- OR**
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:


 Scott A. Stinebruner
 Reg. No. 38,323

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 Cincinnati, Ohio 45202-2917
 Telephone: (513) 241-2324
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Enclosed:

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)
 Transmittal containing Certificate of Facsimile Transmission and Authorization to Charge Deposit Account 23-3000 in the amount of \$352.00 for Additional Independent Claims Fees (2 pages)
 Amendment and Response (13 pages)

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OCT 05 2004

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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

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October 5, 2004

FACSIMILE COVER SHEET

To: Examiner Bryce P. Bonzo
Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
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Fax: 703-872-9306

Enclosures:

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Independent Claims Fees (2 pages)
Amendment and Response (13 pages)

From: Scott A. Stinebruner
Reg. No. 38,323

Re: U.S. Patent Application
Serial No. 10/002,232
Filed: November 2, 2001
Applicant: Curtis Shannon Eide et al.
Art Unit: 2114
Confirmation No.: 2792
Our Ref: IBM/203

Pages: 16 (including cover sheet)

MESSAGE/COMMENTS OFFICIAL

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Judith L. Volk
Judith L. Volk

October 5, 2004
Date

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